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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,403	05/23/2005	Robert Carrington Smith	5653	2207
26936 7590 10/25/2007 SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910			EXAMINER COOLEY, CHARLES E	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 10/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,403

Applicant(s)

SMITH, ROBERT CARRINGTON

Examiner

Charles E. Cooley

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1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050429.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

NON-FINAL OFFICE ACTION

1. This application has been reassigned to Technology Center 1700,
DIVISION 7 - Art Unit 1797 and the following will apply for this application:

Please direct all written correspondence with the correct application serial number for this application to **Art Unit 1797**.

Telephone inquiries regarding this application should be directed to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 or to the Examiner at (571) 272-1139. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

Any inquiry regarding the new rules package should be directed to patentpractice@uspto.gov or 571-272-7704. Information on the new rules can be found <http://www.uspto.gov/web/offices/pac/dapp/opla/presentation/clmconfinalrule.html>.

Priority

2. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All of the CERTIFIED copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

Information Disclosure Statement

3. Note the attached PTO-1449 form submitted with the Information Disclosure Statement filed 29 APR 2005. Both references are lacking from the IFW file, and the

examiner was unable to readily obtain a copy of the ZA reference, hence, it has not been considered and must be crossed through.

Drawings

4. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).
5. The drawings are objected to because suitable descriptive and concise legends should be provided to label the depicted elements of the invention in Figure 1 such as the suction strainer, holding tank, heater, centrifuge, vacuum chamber, filter, etc. for understanding of the drawings (37 CFR 1.84(o)). See cited US 5611363 to Campbell et al. and/or Figure 2 of US 6702729 to Mazzuca for a suggested format.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR 1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not

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been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Specification

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. The abstract is acceptable.

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (MPEP 606.01).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 20-23, 30-31, and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al. (US 5,611,363).

The patent to Campbell et al. (US 5,611,363) discloses an apparatus in Figure 7 for cleaning fluids, said apparatus comprising an inlet 160 for fluid to be cleaned, a heating unit for heating said fluid (col. 8, lines 29-33), a centrifugal cleaner 11, a vacuum dehydration unit 168, 170; a holding tank 98 or 106; fluid outlets (from 11), and multiple connecting means 162, 166, 164, 167, 176, 178, 100 and pump means 158, 178 for conveying fluid from said inlet selectively through said heating unit, said centrifugal cleaner, and/or said vacuum dehydration unit and to said outlet or said holding tank; wherein said connecting means includes selectively actuable valve means 164, 176; including means connecting said heating unit to a first pump and to said centrifugal cleaner whereby fluid pumped by said pump passes through said heating unit to said centrifugal cleaner (col. 8, lines 29-33); wherein said vacuum dehydration unit comprises a vacuum chamber 170 having a base, an inlet in an upper portion of the vacuum chamber for fluid entry, and means 168 for generating a vacuum in said vacuum chamber; a fluid discharge passage near 176 in a lower portion of the vacuum chamber 170; the vacuum chamber includes at least one tray or other means (e.g., the wall surfaces therein) to increase the surface area of oil exposed to the vacuum; a mobile chassis (col. 2, lines 27-28 or col. 10, lines 1-3) and wherein said heating unit,

centrifugal cleaner, vacuum dehydration unit, and holding tank are supported on said chassis.

11. Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Pelzer et al. (US 4,030,897).

The patent to Pelzer et al. discloses a method for cleaning a fluid, said method including the steps of heating said fluid with a heater 44, 45; centrifuging said heated fluid with a centrifuge 33; dehydrating said centrifuged fluid with a vacuum pump 55; and selectively passing said dehydrated fluid to an outlet 41.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (US 5,611,363) in view of May et al. (US 2001/0012814 A1).

Campbell et al. (US 5,611,363) does not disclose the recited centrifugal cleaner. May et al. discloses a centrifugal cleaner, particularly for oil, including the recited impeller driven rotor within a housing and connected to a sump (see Figs. 1-2 and 4-7). Since both Campbell and May teach centrifugal cleaners for cleaning substances such

as oil, it would have been obvious and mere common sense to one having ordinary skill in the art, at the time applicant's invention was made, to have substituted the centrifugal cleaner of Campbell '363 with an impeller driven centrifugal cleaner of May '814 to achieve the predictable result of filtering substances out of the oil.

14. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (US 5,611,363).

Campbell '363 teaches the vacuum chamber and centrifuge with an outlet but not the configuration of the vacuum chamber wherein fluid from said centrifugal cleaner is supplied directly to said chamber and wherein said centrifugal cleaner includes an outlet, said outlet extending into said vacuum chamber. It would have been obvious and mere common sense to one having ordinary skill in the art, at the time applicant's invention was made, to have provided the centrifuge upstream of the vacuum chamber, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) and MPEP 2144.04.

15. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelzer et al. (US 4,030,897) in view of Campbell et al. (US 5,611,363).

The patent to Pelzer et al. discloses a method for cleaning a fluid, said method including the steps of heating said fluid with a heater 44, 45; centrifuging said heated fluid with a centrifuge 33; dehydrating said centrifuged fluid with a vacuum pump 55; and selectively passing said dehydrated fluid to an outlet 41. Assuming, *arguendo*, that

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Pelzer does not teach heating the fluid to be centrifuged, the patent to Campbell discloses an apparatus for cleaning fluids, said apparatus comprising an inlet 160 for fluid to be cleaned and a heating unit for heating said fluid prior to centrifuging by a centrifugal cleaner 11. It would have been obvious and mere common sense to one having ordinary skill in the art, at the time applicant's invention was made, to have provided the method of Pelzer with a step of heating the fluid to be centrifuged for the purpose of preventing operating problems by heating cold fluid prior to centrifuging (col. 8, lines 29-33).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley in Art Unit 1797 whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CEC/

Charles E. Cooley

Examiner

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23 October 2007